

JEFFERSON A REFORMER OF OLD VIRGINIA.

A TEMPTATION crossed Jefferson's path while the Declaration of Independence was still a fresh topic in Christendom. It was a temptation which was, and is, of all others the most alluring to an American who is young, educated, and fond of art; and it came to him in such a guise of public duty, that, if he had yielded to it, only one person in the world would have blamed him. But the censure of that one would have properly outweighed a world's applause: for it was himself.

This temptation presented itself on the 8th of October, 1776. He had resigned his seat in Congress, and, after spending a few days at home, had proceeded to Williamsburg, where he had taken his seat in the Legislature, and was about to engage in the hard and long task of bringing up old Virginia to the level of the age. His heart was set on this work. He wanted to help deliver her from the bondage of outgrown laws, and introduce some of the institutions and usages which had given to New England so conspicuous a superiority over the Southern Colonies. A Virginian, dining one day with John Adams, lamented the inferiority of his State to New England. "I can give you," said Mr. Adams, "a receipt for making a New England in Virginia: *Town meetings, training-days, town schools, and ministers*; the meeting-house, school-house, and training-field are the scenes where New England men were formed." Probably Mr. Jefferson had heard his friend Adams say something of the kind. He was now intent upon purging the Virginia statute-books of unsuitable laws, and founding institutions in accord with the new order of things.

Young as he was, he had had some training now in practical statesmanship. That sharp experience in Congress, while his draft of the Declaration of

Independence was *edited* of its crudities, redundancies, and imprudences, was salutary to him. It completed the preliminary part of his education as a public man, — a public man being one who has to do, not with what is ideally best, but with the best attainable; not to give eloquent expression to his own ideas, but effective expression to the will of his constituents. He wrote little that needed severe pruning after July 4, 1776, though he was still to propose many things that were unattainable. A truly wise, bold, safe, competent public man is one of the slowest formations in nature; but when formed, there is only one man more precious, — the philosopher who is the common teacher of legislators and constituents. If there had been such a philosopher in Virginia just then, he would have smiled, perhaps, at the noble enthusiasm of these young Virginians, who were about to try to make a New England out of a State in which the laboring majority were only too likely to remain slaves.

But it belongs to the generous audacity of youth to attempt the impossible. Here, at Williamsburg, in this October, 1776, were gathered once more the circle of Virginia liberals who had been working together against the exactions of the king. Patrick Henry was governor now, living in "the palace," and enjoying the old viceregal salary of a thousand pounds a year. George Wythe, from service in Congress, had acquired experience and distinction. It was he who began the constitution-making in which Virginia had been engaged during much of this year. In January, while spending an evening with Mr. John Adams at Philadelphia, and hearing him discourse, in his robust and ancient-Briton manner, of the constitution proper for a free state, George Wythe asked him to put the substance of his ideas upon paper.

Mr. Adams gave him, in consequence, his "Thoughts upon Government"; which were the best thoughts on that subject of Locke, Milton, Algernon Sidney, James Otis, and John Adams. How congenial to Mr. Adams such a piece of work! "The best lawgivers of antiquity," said he, "would rejoice to live at a period like this, when, for the first time in the history of the world, three millions of people were deliberately *choosing* their government and institutions." Patrick Henry was well pleased with the "Thoughts." "It shall be my incessant study," he wrote to Mr. Adams, "so to form our portrait of government that a kindred with New England may be discerned in it." So thought all the band of radically liberal men in Virginia, who were beginning to regard Thomas Jefferson as their chief.

And now, on the second day of the session, came a fair excuse for him to leave the "laboring oar," and throw the difficult task of re-creating Virginia upon his colleagues. A messenger from the Honorable Congress reached Williamsburg, October 8th, bearing a despatch for Mr. Jefferson, informing him that he had been elected joint commissioner with Dr. Franklin and Silas Deane to represent the United States at Paris. The temptation was all but irresistible. He relished extremely the delicious society of Dr. Franklin, and was getting into the Franklinian way of dealing with cantankerous man. Paris, too, to which good Americans were already looking as the abode of the blest, where Jefferson could see, at last, after living in the world thirty-three years, harmoniously proportioned edifices, and listen to music such as the Williamsburg "Apollo" had only heard in dreams. The public duty, also, was supposed to be of the first importance. Perhaps it was; but, also, perhaps it was not. Considering the whole case, the young giant might have done better if he had, from the first, made up his mind to fight unassisted. It was a costly business, that French alliance; the heav-

iest item being the habit of leaning upon France, and looking for help, at every pinch, to the *French* treasury. But this could not have been foreseen in 1776; and happy, indeed, would it have been for Franklin, for the country, for the future, if he could have been seconded by a person so formed to co-operate with him as Jefferson. Franklin would have got Canada at the peace of 1782, if he had had a Jefferson to help, instead of a Jay and an Adams to hinder.

Torn with contending desires, Jefferson kept the messenger waiting day after day; so hard was it to say No to Congress, and to give up an appointment promising so much honor and delight. But his duty was plain. There was a lady upon Monticello who had a claim upon his services with which no other claim could compete. To leave her in the condition in which she was, had been infidelity; and to take her with him might have been fatal to her. Virginia had many sons, but Mrs. Jefferson had but one husband. So, on the 11th of October, the messenger mounted and rode away, bearing the proper answer to the President of Congress:—

"It would argue great insensibility in me, could I receive with indifference so confidential an appointment from your body. My thanks are a poor return for the partiality they have been pleased to entertain for me. No cares for my own person, nor yet for my private affairs, would have induced one moment's hesitation to accept the charge. But circumstances very peculiar in the situation of my family, such as neither permit me to leave nor to carry it, compel me to ask leave to decline a service so honorable, and, at the same time, so important to the American cause. The necessity under which I labor, and the conflict I have undergone for three days, during which I could not determine to dismiss your messenger, will, I hope, plead my pardon with Congress; and I am sure there are too many of that body to whom they may with better hopes confide this charge, to leave them under

a moment's difficulty in making a new choice."

As soon as he had reached a decision on this important matter, his colleagues in the Assembly, who had been waiting for it, placed him on a great number of committees; and he began forthwith, on the very day of the messenger's departure, to introduce the measures of reform which he had meditated. Mr. Adams might well regard Virginia as a reformer's paradise; for, owing to the colonial necessity of submitting every desired change to the king, which involved time, trouble, expense, and probable rejection, the Province was far behind even Great Britain in that adaptation of laws and institutions to altered times, which ought to be always in progress in every community. There was such an accumulation, in Virginia, of the outgrown and the unsuitable, that Jefferson and his friends hoped to accomplish in a few months an amount of radical change that would have been a fair allowance for a century and a half.

The law-books were full of old absurdity and old cruelty.* Of the four hundred thousand people who were supposed to inhabit Virginia, one half were African slaves; and it was a fixed idea in the Jefferson circle, that whites and blacks could not live in equal freedom in the same community. Besides the intense prejudice entertained by the master race against the servile, and the hatred which had been gathering (as Jefferson thought) in the minds of the slaves from four generations of outrage, he believed that Nature herself had made it impossible for the two races to live happily together on equal

* Like this, for example: "Whereas, oftentimes many brabbling women often slander and scandalize their neighbors for which their poore husbands are often brought into chargeable and vexatious suites, and caste in greate damages: Bee it therefore enacted by the authority aforesaid, that in actions of slander, occasioned by the wife as aforesaid, after judgment passed for the damages, the woman shall be punished by ducking; and if the slander be soe enormous as to be adjudged at a greater damage than five hundred pounds of tobacco, then the woman to suffer a ducking for each five hundred pounds of tobacco adjudged against the husband, if he refuse to pay the tobacco."

terms. He evidently had a low opinion of the mental capacity of his colored brethren. The Indian, with no opportunities of mental culture beyond those of the negro, had acquired the art of oratory, could carve the bowl of his pipe into a head not devoid of truth and spirit, and draw upon a piece of bark a figure resembling an animal, a plant, a tract of country. But never had he observed in a negro, or a negro's work, one gleam of superior intelligence, aptitude, or taste. No negro standing behind his master's chair had caught from the conversation of educated persons an elevated mode of thinking. "Never," says Mr. Jefferson, "could I find that a black had uttered a thought above the level of plain narration; never saw even an elementary trait of painting or sculpture." In music they were more gifted, but no negro had yet imagined anything beyond "a small catch." Love, which inspires the melodious madness of poets, kindles only the senses of a black man, not his mind, and has never, in all the tide of time, wrung from him a word which other lovers love to repeat. Mere misery, to other races, has been inspiration. The blacks are wretched enough, but they have never uttered their woes in poetry.

For these and other reasons, Mr. Jefferson was disposed to regard the negro race as naturally inferior; though he expresses himself on the point with the hesitation natural to a scientific mind provided with a scant supply of facts. On the political question, he was clear: the two races could not live together in peace as equals. The attempt to do so, he thought, would "divide Virginians into parties, and produce convulsions which would probably never end but in the extermination of the one or the other race." Here was a problem for a knot of young legislators, without a precedent to guide them in all the known history of man!

The gross ignorance of the white inhabitants, except one small class, was another too obvious fact. They were almost as ignorant as Europeans, with

fewer restraints than Europeans. Almost every glimpse we get of the poorer Virginians of that day is a revelation of rude and reckless ignorance. We have in the Memoirs of Elkanah Watson, who rode through Virginia in 1778, an election scene at Hanover Court-House, which must have been a startling contrast to the elections he had witnessed in his native Massachusetts, where an election was a solemnity opened with prayer. The "whole county," he records, was assembled. "The moment I alighted, a wretched, pug-nosed fellow assailed me to swap watches. I had hardly shaken him off when I was attacked by a wild Irishman, who insisted on my swapping horses with him, and in a twinkling ran up the pedigree of his horse to the grand dam. Treating his importunity with little respect, I became near being involved in a boxing-match, the Irishman swearing I did not 'trate him like a jintleman.' I had hardly escaped this dilemma when my attention was attracted by a fight between two very unwieldy fat men, foaming and puffing like two furies, until one succeeded in twisting a forefinger in a side-lock of the other's hair, and in the act of thrusting by this purchase his thumb into the latter's eye, he bawled out, *King's Cruse*, equivalent in technical language to Enough."

There was in Virginia an unusually large proportion of this savage ignorance, easily convertible into fanatical ignorance. The handling of tobacco, it appears, gave employment to a great number of rough fellows, — tobacco-rollers, among others, who drove a pin into each end of a hogshead of tobacco, and thus attaching to it a pair of shafts, harnessed a horse to it, and rolled it to the landing. Professor Tucker of Virginia speaks of this class as "hardy, reckless, proverbially rude, and often indulging in coarse humor at the expense of the traveller who chanced to be well dressed or riding in a carriage." But ignorance was almost universal in Virginia, as it must be in every community, unless there is

a universal system of education. And this was another problem for the young gentlemen at Williamsburg who desired to Yankeeify Virginia. Mr. Jefferson, for one, felt the absolute necessity of the voting class being able to *vote*.

He saw, too, wherever he looked in Virginia, the evils arising from ill-distributed wealth. It is the nature of wealth to get into heaps; because it is the nature of the weak to squander their money, and of the strong to husband it; and this being its nature, laws need not aggravate the tendency. But in Virginia, as in all the old-fashioned countries, there was a whole system of laws and usages expressly designed to keep property from being distributed. Fathers could prevent a profligate son from sinking to his natural level in the community, by entailing upon him and upon the first-born of his male descendants, not his landed estates only, but the negroes who gave them value; and this entail could only be broken by a special act of the Legislature. The law of primogeniture prevented the natural division of estates among all the family of a deceased proprietor, excluding all the daughters, and all the sons but one. The consequence was, that the best portions of Virginia were held by a few families, who suffered the ills and inconveniences of aristocratic rank, without attaining that moral elevation which is possible to aristocrats who accept the public duties of their position. They monopolized the honors of the Colony; but, as a class, they appear to have been as destitute of public spirit as the *grandees* of Spain or Poland. There is only one test of a genuine superiority, and that test was as familiar to their ears as it was foreign to their hearts: "Let him that will be chief among you, be your servant," a perfect definition of a proper aristocracy. Jefferson, Henry, Madison, and their circle, who had been contending with the aristocracy of Virginia during the whole of their public life, had to consider a remedy for this evil also.

The Established Church, during the

ten years preceding the Revolution, had been pressing heavily upon the people of Virginia. Virginians used sometimes to ridicule New-Englanders whom they chanced to meet, for the persecution of the Quakers in Massachusetts, and the witchcraft delusion of Salem and Boston. It is the privilege of an American citizen to be profoundly ignorant of his country's history; and Virginians, availing themselves of this privilege, are not generally aware that at the time when Yankee magistrates were hanging witches and whipping Quakers, Virginia justices of the peace were putting Quakers in the pillory for keeping their hats on in church, and appointing juries of matrons to fumble over the bodies of old women for "witch-marks," which, of course, they found. John Burk, historian of Virginia, intimates that a woman was burned to death in Princess Anne County for witchcraft, and adds that, "in all probability, the case was not solitary." And as Massachusetts expelled Roger Williams and others for opinions' sake, so did Virginia, in the same generation, refuse a residence to some Puritan clergymen who went from Massachusetts to Virginia upon the urgent invitation of persons of their own faith. But there is this to be said in favor of the Yankees: They recovered from the mania of uniformity sooner than the Virginians. If, in 1650, they regarded the celebration of the mass as a capital offence, and would not permit the Church of England service to be performed, nor the rite of baptism to be administered by immersion, nor a company of men to pray with their hats on, yet, in 1750, all these things were permitted, except, perhaps, the celebration of the mass. But, in Virginia, the Established Church had become more intolerant, as the Colony increased in population. It seemed so hostile to liberty, that James Madison, after coming home from Princeton College in New Jersey, where he was educated, expressed the opinion that if the Church of England had been established and endowed in

all the Colonies as it was in Virginia, the king would have had his way, and gradually reduced all America to subjection.

It was not merely that obsolete (though unrepealed) law still made Jefferson and several of his most virtuous friends liable to be burned to death for heresy; nor that a denial of the doctrine of the Trinity was legally punishable by three years' imprisonment; nor that Unitarians could be legally deprived of the custody of their own children, and those children assigned to drunken and dissolute Trinitarians; nor even that Baptists, Presbyterians, and Quakers had to pay for supporting a church they did not attend; — these were not the grievances which made Virginians restive under the establishment.

In 1774, when Madison was twenty-three, we find him writing to a Northern friend: "I want again to breathe your free air. . . . That diabolical, hell-conceived principle of persecution rages among some; and, to their eternal infamy, the clergy can furnish their quota of imps for such purposes. There are at this time, in the adjacent county, not less than five or six well-meaning men in close jail for publishing their religious sentiments, which, in the main, are very orthodox." These prisoners were Baptists, the most numerous and enterprising of the dissenting sects. The historian of the Virginia Baptists, Semple, throws light on Mr. Madison's brief, indignant record. The Baptist ministers, from 1768 to 1775, were frequently arrested, he tells us; and, as it was awkward to define their exact offence, they were usually arraigned as "disturbers of the peace." He gives a ludicrous account of the first arrest, which occurred in 1768, near the seat of the Madisons. Young Madison, then a lad of seventeen, may have witnessed the ridiculous scene. Three Baptist preachers were seized by the sheriff on the same Sunday morning, and brought to the yard of the parish church, where three magistrates, who were in waiting for them,

bound them in a thousand pounds to appear in court two days after. When they were arraigned, the prosecutor assailed them with the utmost vehemence. "May it please your Honors," he cried, "these men are great disturbers of the peace. They cannot meet a man upon the road but they must ram a text of Scripture down his throat." It so chanced that one of the prisoners was a very good lawyer, in an unprofessional way, and made a defence that was embarrassing to magistrates who were resolved to find them in the wrong. The court offered, at length, to release them, if they would give their word not to preach for a year. Refusing this, they were ordered into close confinement, and went to Spottsylvania Jail, singing, "Broad is the road that leads to death," amid the jeers of the mob. After remaining in jail (a straw-strewn pen, with grated holes for windows) for forty-three days, preaching daily through the grated apertures to a hooting crowd, they were released.

Worthy John Blair, governor *pro tem.*, to whom accusers and accused hastened to refer the matter, being a man of liberal opinions, sided, as a matter of course, with the Baptists. He told the bigoted squires that the persecution of dissenters only increased their numbers, and that the Baptists had really brought some reprobates to repentance. Nay, said he, if a man of theirs is idle and neglects to provide for his family, he incurs the censure of his brethren, which has had good effects; and he only wished Church people would try the same system. But there was an ignorant multitude in Virginia, as bigoted as the county magnates. Hence this persecution continued, and the case of these very men was tried again at Spottsylvania Court-House, and Patrick Henry rode fifty miles to defend them.

But for the account (missed by Wirt) which has been preserved of Patrick Henry's performance on this occasion, we should not have understood the secret of his power over an assembly.

The resistless magic of his oratory was greatly due to artifice, management, extreme and sudden changes in tone, adroit repetition of telling phrases. He entered the court-house while the prosecuting attorney was reading the indictment. He was a stranger to most of the spectators, and, being dressed in the country manner, his entrance excited no remark. When the prosecutor had finished his brief opening, the new-comer took the indictment, and glancing at it with an expression of puzzled incredulity, began to speak in the tone of a man who has just heard something too astounding for belief:—

"May it please your worships, I think I heard read by the prosecutor, as I entered the house, the paper I now hold in my hand. If I have rightly understood, the king's attorney has framed an indictment for the purpose of arraigning and punishing by imprisonment these three inoffensive persons before the bar of this court for a crime of great magnitude,—as disturbers of the peace. May it please the court, what did I hear read? Did I hear it distinctly, or was it a mistake of my own? Did I hear an expression as of a crime, that these men, whom your worships are about to try for misdemeanor, are charged with—with —with WHAT?"

Having delivered these words in a halting, broken manner, as if his mind was staggering under the weight of a monstrous idea, he lowered his voice to its deepest bass; and assuming the profoundest solemnity of manner, answered his own question: "*Preaching the gospel of the Son of God!*"

Then he paused. Every eye was now riveted upon him, and every mind intent; for all this was executed as a Kean or a Siddons would have performed it on the stage,—eye, voice, attitude, gesture, all in accord to produce the utmost possibility of effect. Amid a silence that could be felt, he waved the indictment three times round his head, as though still amazed, still unable to comprehend the charge.

Then he raised his hands and eyes to heaven, and, in a tone of pathetic energy wholly indescribable, exclaimed, "Great God!"

At this point, such was the power of his delivery, the audience relieved their feelings by a burst of sighs and tears. The orator continued:—

"May it please your worships, in a day like this, when truth is about to burst her fetters, when mankind are about to be aroused to claim their natural and inalienable rights, when the yoke of oppression that has reached the wilderness of America, and the unnatural alliance of ecclesiastical and civil power are about to be dis severed, — at *such* a period, when liberty, liberty of conscience, is about to wake from her slumberings, and inquire into the reason of such charges as I find exhibited here to-day in this indictment—" Here occurred another of his appalling pauses, during which he cast piercing looks at the judges and at the three clergymen arraigned. Then resuming, he thrilled every hearer by his favorite device of repetition: "If I am not deceived, — according to the contents of the paper I now hold in my hand, — these men are accused of *preaching the gospel of the Son of God!*" He waved the document three times round his head, as though still *lost* in wonder; and then, with the same electric attitude of appeal to Heaven, he gasped, "Great God!"

This was followed by another burst of feeling from the spectators; and again this master of effect plunged into the tide of his discourse:—

"May it please your worships, there are periods in the history of man when corruption and depravity have so long debased the human character, that man sinks under the weight of the oppressor's hand, — becomes his servile, his abject slave. He licks the hand that smites him. He bows in passive obedience to the mandates of the despot; and, in this state of servility, he receives his fetters of perpetual bondage. But, may it please your worships, such a day has passed. From

that period when our fathers left the land of their nativity for these American wilds, — from the moment they placed their feet upon the American continent, — from that moment despotism was crushed, the fetters of darkness were broken, and Heaven decreed that man should be free, — free to worship God according to the Bible. In vain were all their sufferings and bloodshed to subjugate this New World, if we their offspring must still be oppressed and persecuted. But, may it please your worships, permit me to inquire once more, for what are these men about to be tried? This paper says, *for preaching the gospel of the Saviour to Adam's fallen race!*"

Again he paused. For the third time, he slowly waved the indictment round his head; and then, turning to the judges, looking them full in the face, exclaimed with the most impressive effect, "What laws have they violated?" The whole assembly were now painfully moved and excited. The presiding judge ended the scene by saying, "Sheriff, discharge these men."

It was a triumph of the dramatic art. The men were discharged; but not the less, in other counties, did zealous bigots pursue and persecute the ministers of other denominations than their own. It was not till the Revolutionary War absorbed all minds, that Baptists ceased to be imprisoned; nor then were they released from paying tithes to support a church which they neither attended nor approved.

Such was this old Virginia which Thomas Jefferson and his friends were about to try to reform. A slovenly, slatternly old England in the woods, where the abuses and absurdities of the old country were exaggerated, the flower of her young gentlemen now desired to change her into an orderly, industrious, thoughtful, and instructed *New England*. And what a time to begin, in this gloomy autumn of 1776, after New York was lost, and while Washington was on the retreat, fighting as he went, not for victory, but for escape! Perhaps the time was not so

unpropitious. The minds of men, at periods of public danger, are sometimes in a state of exaltation that renders it possible for them to receive new truth, and gives to persons of understanding an ascendancy that is generally awarded only to rank, talent, or executive force.

There were two parties in the Assembly, of course. But posterity cares only for the party that triumphs, — the radical party, the party in the right. In his own day, the conservative usually is, and usually ought to be, uppermost; he represents the human family, which is too large a body to move forward rapidly. The radical usually is one of a small minority, — half a dozen pioneers with broadaxes and leathern aprons, who march some paces in advance of the regiment, and get little besides scratches and hard knocks. But the radical has his revenge. He alone can have any enduring success. If the politics of the United States, from 1787 to 1861, are remembered at all in the general history of the world, the only names likely to be preserved will be those of a few troublesome Abolitionists, Democrats, law-reformers, and free-traders. The triumphant and respectable multitude with whom and for whom these contended, sweet Oblivion will claim them, and have its claim allowed.

To Thomas Jefferson, it is evident, the radicals of Virginia looked as their chief in the work of reform. First among those upon whom he depended for co-operation was that noble-hearted abolitionist, that humane and high-principled radical, that gentleman without pride and without reproach, George Mason of Gunston Hall on the Potomac, — he who wrote to a neighbor, just before the patriotic Fast Day of 1774: "Please to tell my dear little family that I charge them to pay a strict attention to it, and that I desire my three eldest sons and my two eldest daughters may attend church in mourning, if they have it, as I believe they have." It was he who in the Constitutional Convention of 1787 set his face

against *all* compromise with slavery, and avowed the opinion that the Southern States ought not to be admitted to the Union unless they would give it up. It was he who drew that Virginia Bill of Rights with which Mr. Bancroft enriches and ennobles the eighth volume (p. 381) of his "History of the United States," — a statement of principles so advanced that mankind can never outgrow them. Broken-hearted by the death of his wife, he would not, he could not, leave his family to serve Virginia in Congress, though the appointment was pressed upon him with tears. But he was in his place in the State Legislature in this critical year, 1776, ready to lend the aid of his humane mind and gifted tongue to every enlightened measure. Nature had done everything for him. A superb man he was, of noblest presence and most engaging dignity; the ablest man in some kinds of debate whom Virginia possessed; healthy-minded, too, as fond of out-of-door sport almost as Washington himself.

George Wythe, the abolitionist who emancipated his own slaves when he found he could not emancipate Virginia, was sure to be on the right side of leading questions, though he was not efficient in carrying measures, — a man of the closet rather than the forum. Governor Patrick Henry's influence, at that period, was given without reserve to liberal measures. These were the great names on the liberal side.

But there was a new member in the House this year, a young man of twenty-five, small of stature, wasted by too much study, not in the least imposing in appearance, and too modest as yet to utter one word in debate, who was destined to be Jefferson's most efficient ally during all his career. This was James Madison, to whom we all owe so much more than we know, whose services are so little remarked because they were so great. He never shone resplendent in debate, he never wrote or spoke anything that was striking or brilliant; but few countries have ever possessed so useful a citizen as he.

From 1776 to 1817, look where you will in the public affairs of the United States, you find this little man doing, or helping to do, or trying to get a chance to do, the thing that most wanted doing. He was the willing horse who is allowed to draw the load. His heart was in the business of serving his country. He was simply intent on having the right thing done, not to shine in doing it. Among his virtues was his joyous love of a jest, which made him one of the most agreeable of comrades, and preserved his health and spirits to his eighty-fifth year, and lighted up his dying face with smiles. It is a pleasure to me to walk in Madison Square because it bears his name. Of all Jefferson's triumphs, none seems so exceptional as his being able to give to a man so little brilliant and so very useful the conspicuous place he held in the public life of the United States. They met for the first time at this session of the Legislature, and remained friends and political allies for fifty years.

A leader on the conservative side was R. C. Nicholas, for many years the head of the bar in Virginia, a stanch Churchman and gentleman-of-the-old school. But Jefferson feared most the singular, tireless persistence of Edmund Pendleton: a cool, wary, accomplished speaker, he says; "full of resource, never vanquished; for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manœuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important all together. You never knew when you were clear of him." Differ as they might, the leaders of the two parties in this House remained excellent friends; the reason being that they were most scrupulously observant of all the forms of courtesy. It was often remarked of Patrick Henry that never, in his most impetuous oratory, was he guilty of personal disrespect to a member of the House. On the contrary, he was profuse in those expressions of regret for being obliged to dif-

fer, and of respect for the character of an opponent, which assist so much to make public debate a genuine interchange of thought, and keep it above the contemptible pettiness of personal contention. All the men trained in that old House of Burgesses appear to have caught this spirit. What Jefferson said of Madison's manners in debate describes all of them who are remembered: "Soothing always the feelings of his adversaries by civilities and softness of expression." As to Jefferson himself, not once in his whole public career did he lose or weaken a point by needlessly wounding an opponent's self-love.

In the work of reorganizing Virginia, Jefferson struck first at the system of entail. After a three weeks' struggle, that incubus was lifted. Every acre and every negro in Virginia, by the 1st of November, 1776, was held in fee simple, could be sold for debt, was free to fall into hands that were able to use them. It was the easiest and quickest of his triumphs, though he did not live long enough to outlive the enmity his victory engendered. Some of the old Tories found it in their hearts to exult that he who had disappointed so many fathers, lost his only son before it was a month old; and John Randolph, fifty-five years after, could still attribute all the evils of Virginia to this triumph of "Jefferson and his levelling system."

He found it easier to set free the estates of his countrymen than their minds. Petitions for the repeal of statutes oppressive of the conscience of dissenters came pouring in upon the Assembly from the first day of the session. These, being referred to committee of the whole, led to the severest and longest struggle of the session. "Desperate contests," as Jefferson records, "continued almost daily from the 11th of October to the 5th of December." He desired to sweep away the whole system of restraint and monopoly, and establish perfect liberty of conscience and opinion by a simple enactment of half a dozen lines: —

"No man shall be compelled to frequent or support any religious worship, ministry, or place whatsoever; nor shall be enforced, restrained, molested, or burdened in his body or goods; nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities."

It required more than nine years of effort on the part of Jefferson, Madison, and their liberal friends to bring Virginia to accept this solution of the religious problem, in its simplicity and completeness. All that they could accomplish at this session, after their twenty-five days' debate, was the repeal of the statutes imposing penalties for going to the wrong church, and compelling dissenters to pay tithes. At every subsequent session, for many years, the subject was called up, and, usually, some concession was made to the demands of the liberal party. In 1779, for example, all forced contributions for the support of religion were surrendered. The principle, however, was retained, and, indeed, reasserted, that it was part of the duty of government to regulate religious belief; and the laws remained in force which made it penal to deny the Trinity, and deprived a parent of the custody of his children if he could not subscribe to the leading articles of the Episcopal creed.

We have come now to regard liberty of belief very much as we do liberty of breathing, — as a right too natural, too obvious, to be called in question, — forgetting all the ages of effort and of anguish which it cost to rescue the human mind from the domination of its natural foes. These nine years of Virginia debates have perished; but something of their heat and strenuous vigor survive in a passage which Jefferson inserted in his "Notes on Virginia," written toward the end of the Revolutionary War, and circulated in Virginia a year before the final triumph of religious

freedom. The passage is out of place in the work, and it was probably left in, or lugged in, to give aid to Madison in his last contest with the opponents of Jefferson's act. Doubtless it had its influence, coming as it did from a distant land and a name bright with the undimmed lustre of revolutionary successes. Indeed, this vigorous utterance of Thomas Jefferson was the arsenal from which the opponents of the forced support of religion drew their weapons, during the whole period of about fifty years that elapsed between its publication and the repeal of the last State law which taxed a community for the support of the clergy; nor will it cease to have a certain value as long as any man, in any land, is distrusted, or undervalued, or abridged of his natural rights, on account of any opinion whatever.

It is a curiously intense and compact passage, all alive with short, sharp sentences, as if he had struggled to get the whole of the controversy into a few pages. Opinion, he says, is something with which government has nothing to do. "It does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg." Constraint makes hypocrites, not converts. A government is no more competent to prescribe beliefs than diet or medicine. "It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion, and whom will you make your inquisitors? Fallible men, governed by bad passions, by private as well as public reasons. And why subject it to coercion? Difference of opinion is advantageous to religion. The several sects perform the office of *censor morum* over each other. Is uniformity attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch toward uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypo-

crites ; to support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people ; that these profess probably a thousand different systems of religion ; that ours is but one of that thousand ; that if there be but one right, and ours that one, we should wish to see the nine hundred and ninety-nine wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free inquiry must be indulged ; and how can we wish others to indulge it, while we refuse it ourselves ? ”

Fortunately, he was able to allay the fears of those who believed that virtue would cease to prevail if tithes could not be collected by the sheriff, by pointing to Pennsylvania and New York, where there was no established church, and yet no indications of a decay of morals could be discerned. Religion was well supported, and no more malefactors were hanged than in Virginia. Religious dissension was unknown, for the people had made the happy discovery that the way to silence religious disputes was to take no notice of them ; and to extinguish religious absurdity, to laugh at it. He urged his countrymen to have the rights of conscience fixed in law before the war ended, while rulers were honest and people united ; for, when peace recalled the people to their usual pursuits, he feared it would be difficult to concentrate attention upon a matter of abstract right. “The shackles which shall not be knocked off at the conclusion of this war will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion.”

In 1786 the act drawn by Jefferson, entitled by him “An Act for establishing Religious Freedom,” became the law of Virginia. The preamble of the act is a forcible statement of the whole argument for freedom of opinion ; and, not content with thus fortifying the law, he adds to the act itself a paragraph which, I believe, is unique :

“And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with the power equal to our own, and that, therefore, to declare this act irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind ; and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.”

Never, perhaps, since the earliest historic times, has one mind so incorporated itself with a country's laws and institutions as Jefferson's with those of new-born Virginia. In this first month of October, 1776, besides actually accomplishing much, he cut out work enough to keep the best heads of Virginia busy for ten years. It was he who drew the bill for establishing courts of law in the State, and for defining the powers, jurisdiction, and methods of each of them. It was he who caused the removal of the capital from Williamsburg to Richmond, thus originating the plan, since followed by nearly every State, of fixing the capital near the geographical centre, but remote from the centre of trade, capital, and fashion. It may have been best for Virginia, it *was* best for Virginia ; but it is not yet certain that a policy is sound which caused the city of Washington to come into being, and which has given a fictitious importance to twenty Harrisburgs and Albanys, besides affording to official misconduct the convenient cloak of distance. Little, however, could Jefferson have foreseen the influence of his action when, in the teeth of the old Tory families planted in the ancient capital, he carried the day for the village of Richmond, and served on the committee that laid out its public square, and placed its unfortunate public buildings.

Another bill introduced by him in this most fruitful month has produced consequences far-reaching and momen-

tous. It was a bill fixing the terms upon which foreigners should be admitted to citizenship in Virginia: Two years' residence; a declaration of intention to live in the State, and a promise of fidelity to it; minor children of naturalized parents, and minors without parents in the State, to become citizens on coming of age, without any legal formality. The principle of this bill and most of its details have been adopted by the national government. In the light of the experience of eighty-five years, and writing on Manhattan Island, we can still say, that the principle of admitting foreigners to citizenship on easy terms, and after a short residence, has been the vital principle of the country's growth; and that Jefferson's bill lacked but one brief clause to make it as safe as it has been powerful: *Provided*, That the foreigner aforesaid proves, to the satisfaction of the court, that he can read English well enough to be independent of all other men in acquiring the political information requisite for intelligent voting." Alas! he did not foresee the Manhattan Island of 1871; nor had a mind yet been created capable of conceiving the idea of admitting to the suffrage hordes of ignorant negroes without the least preliminary preparation.

The laws of Virginia were a chaos of obsolete and antiquated enactments, good for lawyers, bad for clients. Jefferson brought in a bill, in October, 1776, proposing that the House name a committee of five, who should get together the whole mass, revise them, and present for the consideration of the House a Body of Law suited to the altered times and circumstances of the State. The bill being passed, the five revisers were elected by ballot, and Jefferson received the highest number of votes; his colleagues being Edmund Pendleton, George Wythe, George Mason, and T. L. Lee. The two last named, not being lawyers, soon withdrew from the commission, leaving the three others to do the work; Jefferson's portion of which occupied the leisure of two years. It was, indeed,

one of the most arduous and difficult labors of his life; for to him was assigned the revision of ancient British law, from the remotest period to the meeting of the first House of Burgesses of Virginia, of which his great-grandfather had been a member, in 1619. Many a long journey it cost these three public-souled gentlemen to get together, in order to discuss principles and compare work; until, in 1779, the revisers were able to present their labors to the Legislature in the convenient form of one hundred and twenty-six bills, to be separately acted upon. These bills were taken up one at a time, as occasion favored or demanded, during the next six or seven years; every enlightened and humane principle or detail having a most persistent and persuasive advocate in James Madison.

Jefferson's part in this revision was most important. The bill for religious freedom, already described, was now completed in the form in which it was finally acted upon in 1786. Against the opposition of Pendleton he carried the extirpation of the principle of primogeniture from the legal system of Virginia. True to his character, Pendleton strove, when the main battle was lost, to save something from the wreck; proposing that the eldest son should, at least, have a double portion. No, said Jefferson; "if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but, being on a par in his powers and wants with his brothers and sisters, he should be on a par also in the partition of his patrimony." Against Pendleton, too, Mr. Jefferson prevailed to preserve as much of the letter of ancient law as possible, because the meaning of each word and phrase had been established by judicial decisions. A new code, Mr. Jefferson thought, owing to the imperfection of human language, would "involve us in ages of litigation," until the precise meaning of every word had been settled by decisions and

commentaries. But this did not apply to modern Virginia statutes, which, he thought, should be reduced to the utmost simplicity and directness.

It is pleasing to notice how cordially the revisers labored together, and how entirely they confided in one another, though differing in opinion. Observe this evidence of it in one of Jefferson's later letters: "We found" (on the final revision) "that Mr. Pendleton had not exactly seized the intentions of the committee, which were to reform the language of the Virginia laws and reduce the matter to a simple style and form. He had copied the acts *verbatim*, only omitting what was disapproved; and some family occurrence calling him indispensably home, he desired Mr. Wythe and myself to make it what we thought it ought to be, and authorized us to report him as concurring in the work."

The bill assigning pains and penalties cost Jefferson much research and thought. The committee swept away at once most of the obsolete cruelties of the ancient code, but some of the revisers were disposed to retain portions of the old system of retaliation: an eye for an eye, a tooth for a tooth, a poisoner to die by poison, and a maimer to be maimed. Jefferson objected. The infliction of such penalties, he thought, would "exhibit spectacles" the moral effect of which would not be salutary; particularly (he might have added) in a State where every free fight was expected to end in gouging. This part of the scheme was, at his suggestion, reconsidered; so that no sheriff in Virginia has ever been called upon to pry out an eye or bite off a nose.

One of Jefferson's substitutions of new sense for ancient folly in the penalties bill was admirable. Instead of the old laws concerning witchcraft, he suggested this: "All attempts to delude the people, or to abuse their understanding by exercise of the pretended arts of witchcraft, conjuration, enchantment, or sorcery, or by pretended prophecies, shall be punished by

ducking and whipping, at the discretion of a jury, not exceeding fifteen stripes." He dropped also the barbarous Jewish penalties for unnatural crimes, on this ground: "Bestiality will ever be properly and severely punished by universal derision." In his preamble to the bill assigning penalties, he asserted doctrines many years in advance of the least monstrous code then existing. At a time when France condemned to death a female servant who stole a spoon, and London saw cartloads of lads drawn to Tyburn for theft, Jefferson began this act by declaring that "cruel and sanguinary laws defeat their own purpose by engaging the benevolence of mankind to withhold prosecution," and that "capital punishments, which exterminate instead of reforming, should be the last melancholy resource against those whose existence has become inconsistent with the safety of their fellow-citizens." In this code, no crimes were capital but murder and treason; and only an overt act was to be accounted treason.

Of the bills drawn by Jefferson, those upon which he most set his heart failed utterly. Only a commonwealth of Jeffersons, Masons, Madisons, and Wythes could have carried into successful operation that magnificent scheme of universal education, embodied in three of the acts drawn by him. He loved knowledge. He loved literature. Writing to Dr. Priestly, in the midst of one of the political frenzies of a later day, he said: "I thank on my knees Him who directed my early education for having put into my possession this rich source of delight," the ability to read Homer in the original; and, during a similar paroxysm of political fury, he wrote to a neighbor, that if anything *could* induce him to sleep another night away from home, it would be his solicitude for the education of youth. He felt that a community needs the whole of the superior intelligence produced in it, and that such intelligence is only made available for good purposes by right culture. His

plan, therefore, embraced the whole intellect of the State. He proposed to place a common school within reach of every child; to make a high school accessible to every superior youth; to convert William and Mary College into a university; and to found at Richmond a State library to be maintained at a cost of two thousand pounds a year. The whole scheme, which was worked out in great detail, was received, he says, with enthusiasm; but when after the war the expense had to be faced, there was not public spirit enough in the counties to set even the common schools in operation. The scheme failed because there was no middle class in Virginia. In his bill for establishing common schools, a clause was slyly inserted leaving each county free to tax itself for the purpose or not, as the tax-payers should decide. But the tax-payers were planters, served by slaves, not accustomed to regard white trash as fellow-citizens whose welfare was identified with their own. They would not tax themselves for the education of the children of tobacco-rollers, and the plan remained inoperative during Jefferson's whole life.

A remarkable feature of the laws drawn by him during this revision are the preambles — compact, loaded with meaning — with which he prefaced many of them. I think he must have derived the idea from Plato. In preparing himself for work so important, he could not have overlooked the fact that Plato's longest work is entitled *LAWS*; nor would he have failed to seek light and suggestion from so promising a source.

"And is our legislator," asks the chief person of this Dialogue, "to have no preface to his laws, but to say at once, Do this, avoid that; and then, holding the penalty *in terrorem*, to go on to another law, offering never a word of advice or exhortation to those for whom he is legislating, after the manner of some doctors?" Not so, he thinks. Music has overtures, and discourse its introduction; "but of the

tones and higher strain of law, no one has ever yet uttered any prelude." And Plato recurs to the topic, as though it were a favorite idea.* I please myself with thinking that it was such passages of the kindred Greek that induced Jefferson to compose those noble preambles — noble, even when preluding laws too difficult for the time and scene — which illuminate Virginia law-books here and there. The preamble to the Act for establishing Religious Freedom is the weightiest and finest. It touches every point; it all but exhausts the subject.

The slave laws remained to be considered. The revisers, first of all, made a digest of existing laws concerning slaves and slavery, silently dropping such as they deemed inadmissible, and arranging the rest, as was their custom, in the form of a bill. This bill, since it contained nothing novel, nor excluded anything vital, could be expected to pass without opposition. The whole difficulty of the subject they resolved to keep by itself, and concentrate it in an amendment to the bill, designing to present this when the times should admit of the discussion of fundamental changes.

The shade of noble, unpractical Plato must have hovered over the place where this amendment was penned. The community has never existed capable of executing such a scheme. These three benevolent revisers demanded of Virginia a degree of self-control, far-seeing wisdom, and executive genius which a community composed of the elect of the whole human race could not have furnished. All slaves born after the passage of the act were to be free, but they were to remain with their parents during childhood; then educated at the public expense, "in tillage, arts, or sciences, according to their geniuses," until maturity; when they were to be colonized in some convenient place, furnished with arms, implements, and seeds, declared independent, and protected till they were strong enough to

* Jowett's Plato, Vol. IV. pp. 241, 243, 288, 427, etc. (London edition).

protect themselves. While Virginia was employed in this most complicated and not inexpensive business, other ships of hers were to repair to other parts of the earth, and bring home "an equal number of white inhabitants, to induce whom to migrate hither proper encouragements were to be proposed." Such ludicrous impossibilities may the wisest of mortals conceive who legislate in the snug retreat of a library, for out-of-door, every-day men, face to face with the universal task!

No enthusiast ever ventured to introduce this amendment into the Legislature. "It was found," wrote Mr. Jefferson in 1821, "that the public mind would not bear the proposition, nor will it bear it even at this day." One thing Jefferson did accomplish. In 1778 he brought in a bill forbidding the further importation of slaves, which was passed without opposition. This was the only important change which was made in the slave system of Virginia during the Revolutionary period.

During the two years employed in the work of revising the laws, there were four or five sessions of the Legislature, all of them attended by Jefferson. His industry was immense. We find him on numberless committees, and reporting every kind of bill; even such as related to the discipline of the militia, the rank of marine officers, and the subsistence of members of Congress. There was no great merit then in punctuality of attendance, for punctuality was compelled. At the calling of the roll on the opening of one session, fifty members were absent. Every man of them was ordered under arrest; nor was one excused until he had risen in his place and stated the reason of his absence. If the reason was accounted sufficient, he was excused without paying the costs of his arrest; if not, he had to pay them. Many and swift journeys fell to Jefferson's lot during this absorbing time, — to Fredericksburg to meet his brother revisers, a rough ride of a hundred and twenty miles; to Williamsburg, for the semiannual session; back suddenly to

Monticello, more than once, to attend his sick wife. His only son was born in May, 1777, and lived but seventeen days, though causing his parents many a month of anguish and solicitude. But at home, while the lives of mother and child seemed to hang upon the father's care, in the intervals of watching, he worked at his part of the revision. He told Dr. Franklin, in August, 1777, that the people of Virginia had laid aside the monarchical, and taken up the republican government "with as much ease as would have attended their throwing off an old and putting on a new suit of clothes." It was easy to the people of Virginia, because, at this critical time, they were so happy as to possess a few able, experienced, learned, liberal-minded citizens, who thought no labor severe, no self-denial excessive, if exercised in the service of their country.

So passed the first years of the war. It was an anxious time, of course, to all patriotic hearts, but, to the people of Virginia, not so unhappy a period as we should suppose. *Their* trial was to come. Early rid of the nuisance of Dunmore's hateful presence, they had not, since the burning of Norfolk, witnessed much of the desolations of the war; and if their spirits were depressed sometimes by the mishaps of the armies in the North, good news came occasionally, and came magnified by the distance it had travelled. The rapturous tidings of Burgoyne's surrender was enough of itself to light up half a year, and it was followed by news supposed to be even more important: that of the alliance with France. Virginia was to have her turn, but the time had not yet come.

Jefferson, too, was to experience a most ample share of the bitterness of the war. But, during these first three years of it, absorbed in congenial and elevated labors, happy in the confiding love of the people he served, blest at home in wife and children, he lived very much in his accustomed way; still finding time to record the weather, watch the barometer, observe eclipses,

measure the rain, compute the force of the wind, study the growth of plants, and caress the violin. He began now to look forward fondly, as so many fond parents have, to the time when his eldest daughter would play the harpsichord, to his accompaniment. His old teacher of the violin, Alberti, was in Paris in 1778. Jefferson wrote him a gay letter, after Burgoyne's surrender, telling him that Americans had lost all apprehensions touching the issue of the war, and he expected to trouble him, within the next two and three years, to send him over a professor competent to teach singing and the harpsichord. Nay, more; he had indulged dreams of a domestic band of music! He told Alberti that, in his retinue of domestic servants, he kept a weaver, a gardener, a cabinet-maker, and a stone-cutter, to whom he meant to add a vine-dresser. Why could not Alberti send him Europeans of these trades, who could also play on instruments? If he could, — behold a band of music upon Monticello, without going "beyond the bounds of an American fortune!" Music, he said, was "the favorite passion of his soul," and yet fortune had cast his lot in a country where it was in a state of "deplorable barbarism." In the same joyous and triumphant summer of 1778, failing to get much good from the eagerly expected and closely observed eclipse of the sun, from want of an accurate clock, he ordered from Rittenhouse the most perfect clock his art could produce, so as to be ready for the next. As to that theodolite of which he had spoken to him in Philadelphia, Mr. Rittenhouse need not trouble himself about it further, for he had since bought one which was just the thing. A British army captured, and the French alliance avowed, who could expect a much longer continuance of the war? Not Jefferson, most sanguine of men.

The surrender of Burgoyne brought unexpected animation to the neighborhood of Monticello, and filled the house upon its summit with agreeable company. The region roundabout being

the wheat-field of America, yet too remote from the Northern Army to contribute to its supply, Congress deemed it best, in the winter of 1778-79, to march thither the prisoners of war, English and German, four thousand in number, and establish them near Charlottesville. It was a dreary and weary march, in an inclement season, from Boston to Albemarle, a distance of seven hundred miles; and when the troops reached the plateau selected for them, within sight of Monticello, the barracks were unfinished, no store of food had been gathered, the roads were almost impassable, and "the spell of weather," as Jefferson records, "was the worst ever known within the memory of man." The gentlemen of the county did their utmost to mitigate the situation; and who so prompt with needful aid as the inhabitants of Monticello? Mrs. Jefferson lent her help to the wife of the Hessian General Riedesel in getting her started in house-keeping, at the house of Mazzei, their Italian neighbor, who was just going home to Tuscany on a public errand.

Jefferson himself was lavish of attention to officers and men of both nationalities; and, when they were all settled in quarters, threw open his house, his library, his grounds, his garden, to such of them as could enjoy refined pleasures. There could be no lack of officers, among so many, who could play and sing. Many a delightful concert was improvised at Monticello, when some amateur would play violin duets with Jefferson, and the whole company surround Mrs. Jefferson's harpsichord, and join her in singing. A tradition of these pleasant musical evenings lives to this day. General Dix of New York, as Mr. Randall reports, heard them described by a Captain Bibby, who settled in New York after the war. This captain, himself a good violinist, played many a duet with Jefferson, and considered him the best amateur he had ever heard. A German officer of scientific tastes was much in the library of Monticello, a congenial companion

to its proprietor. Even General Phillips, commander of the English troops, whom Jefferson describes as the proudest man of the proudest nation on earth, was not proof against his resolute civilities. "The great cause that divides our countries," Jefferson wrote to the General, "is not to be decided by individual animosities. The harmony of private societies cannot weaken national efforts. To contribute by neighborly intercourse and attention to make others happy, is the shortest and surest way of being happy ourselves." General Phillips, proud as he may have been, seems to have assented to this opinion, for we find him writing to Mr. Jefferson in August, 1779: "The British officers intend to perform a play next Saturday at the barracks. I shall be extremely happy to have the honor to attend you and Mrs. Jefferson in my box at the theatre, should you or that lady be inclined to go." * In winding up this polite epistle, the haughty son of Albion was careful to say that he was, "with great *personal* respect," Mr. Jefferson's humble servant. He was the gentleman who, at a later day, addressed Mr. Jefferson as "Thomas Jefferson, Esquire, American Governor of Virginia," and the Governor retorted by addressing him as, "William Phillips, Esquire, commanding the British troops in Virginia."

As the spring advanced, the barracks began to exhibit a truly inviting scene, particularly the quarter occupied by the Germans. The officers, who had hired every available house in the neighborhood, bought cows, sheep, and chickens, cultivated fields, and laid out gardens. If some of the decorous Virginia ladies were a little scandalized at the Amazonian habits of Madame Riedesel, who rode astride with the boldness of a fox-hunter, every one commended the liberality of the general toward his men. He distributed among them two hundred pounds' worth of seeds; and soon the whole region round the barracks was smiling with pretty gardens,

and alive with cheerful laborers, conveying to the spectator, as Jefferson said, "the idea of a company of farmers, rather than a camp of soldiers." Some of the officers went to great expense in preparing their houses, even to several thousands of dollars. The health of these troops, thus agreeably situated and pleasantly employed, improved in the most remarkable manner. According to the ordinary rate of mortality, there should have been one death a day; but in three months there were but four deaths among them, and two of those were of infants:

Jefferson wrote in reference to this enchanting scene: "It is for the benefit of mankind to mitigate the horrors of war as much as possible. The practice, therefore, of modern nations, of treating captive enemies with politeness and generosity, is not only delightful in contemplation, but really interesting to all the world, friends, foes, and neutrals."

It is pleasing to reflect that the United States, from the first hour of its existence to the present time, in every instance, and in spite of the bitterest provocation to the contrary in three wars, has treated captives with "politeness and generosity."

The prisoners might well be grateful to Jefferson, for he rendered them a greater service than neighborly attention. A panic fear arose that these four thousand foreign mouths would eat Virginia out of house and home. A famine was dreaded, and Governor Henry was inundated with remonstrances against their longer stay. By the time the barracks were in order, the gardens laid out, and General Riedesel's two hundred pounds' worth of garden seeds all nicely "come up," a terrible rumor ran through the camp, that the governor had yielded to pressure, and was about to order them away. It was Jefferson who interposed in their behalf. He wrote a most vigorous and elaborate statement of the case to Governor Henry, showing the utter groundlessness of the panic, describing the happy situation

* Lossing's American Historical Record, Vol. I. p. 33.

of the troops after their winter march of seven hundred miles, and exhibiting the cruel breach of faith it would be to compel them so soon to resume their wanderings. The prisoners' camp was not disturbed, and the Virginians discovered that, if the prisoners ate a good deal of wheat and beef, they circulated a great many gold and silver coins.

What strikes me as peculiar in Jefferson's letter is its extreme politeness. Thomas Jefferson and Patrick Henry had been friends, comrades, fellow-lodgers, partisans, everything that was intimate and confidential, for nineteen years; but in this letter he keeps in mind that he is a Member for Albemarle writing to his Excellency the Governor of Virginia, and he both begins and ends his epistle with expressions of deference and apology. He "takes the liberty of troubling" the governor with some observations on the subject. The reputation and interest of the country being involved, "it could hardly be deemed an indecent liberty in the most private citizen to offer his thoughts to the consideration of the executive"; and there were particular reasons which

justified *him* in so doing, such as his residence near the barracks, his public relation to the people of that county, and his being sure, from his personal acquaintance with the governor and Council, that they would be "glad of information from *any* quarter on a subject interesting to the public." Then, at the end of his letter, after an argument apparently complete and unanswerable, he was "sensible that the same subject might appear to different persons in very different lights." But he hoped that the reasons he had urged, even though to sounder minds they should seem fallacious, would, at least, be plausible enough to excuse his interposition.

There was a reason for this extreme delicacy. The letter was written in March, 1779. The third year of Patrick Henry's governorship would expire in June, and, by the new Constitution, a governor was ineligible after the third term. Jefferson was to succeed him; and it is always a delicate thing for an heir to say or do anything that savors of interference with the management of the estate.

James Parton.